

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT RICHARD PRICE,

Plaintiff,

v.

WARDEN,

Defendant.

No. 2:23-cv-00731-DAD-AC (PC)

ORDER

(Doc. No. 20)

Plaintiff Gregory Scott Richard Price is a county prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 27, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 20.) In particular, on November 7, 2023, the court screened plaintiff's complaint, determined that plaintiff had failed to state a cognizable claim for relief, and granted plaintiff leave to file an amended complaint within thirty days from the date of service of that order. (Doc. No. 18 at 4–7, 9.) To date, plaintiff has not filed an amended complaint or otherwise communicated with the court. Accordingly, the pending findings and recommendations were served on plaintiff and contained notice that any objections

////

thereto were to be filed within fourteen (14) days after service. (Doc. No. 20 at 2.)<sup>1</sup> No objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

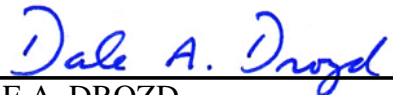
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on December 27, 2023 (Doc. No. 20) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute this action; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: February 13, 2024

  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> On November 27, 2023, plaintiff's copy of the screening order was returned to the court as "Undeliverable, Not here," and on January 16, 2024, the service copy of the findings and recommendations was returned to the court marked as "Undeliverable, RTS." Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective. Thus, although plaintiff's copy of the screening order was returned, plaintiff was properly served. Furthermore, a party appearing without counsel must keep the court and all parties apprised of his current address. E.D. Cal. L.R. 183(b). If mail directed to such a plaintiff is returned by the postal service, and plaintiff fails to notify the court and opposing parties within sixty-three days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.* The court notes that it has been over sixty-three days since the screening order was returned to the court as undeliverable, but plaintiff has not notified the court of a change of his address of record.